



APPENDIX.

STATE OF INDIANA, }
 ST. JOSEPH COUNTY. } ss.

I, Frank J. Bruggner, Clerk of the St. Joseph Circuit Court within and for the County of St. Joseph and State of Indiana, do hereby certify that the following is a full, true, complete and correct copy of Article III and footnote thereto of Plan of Reorganization as approved on May 29, 1939, in cause No. 56793 (Consolidated) and entitled Chemical Bank & Trust Company *et al. vs.* Northern Indiana Railway, Inc., *et al.*, to wit:

III.

Claims Not Affected by the Plan, Liabilities and Obligations, Including Executory Contracts of the Receiver.

Claims of the United States for taxes and claims of the States of Indiana and Michigan, to the extent that such claims shall not have been paid by the Receiver, are to be paid in cash or assumed by the New Company on Consummation of the Plan. (The Plan shall be deemed consummated when new securities are available for distribution pursuant to the Plan, and the term "Consummation of the Plan" shall refer to that event; the term "New Company" referred to herein being the corporation in which will be vested the assets of the Old Company pursuant to the Plan.)

All contracts of the Old Company which are executory in whole or in part and which shall have been affirmed or adopted by the Receiver, and all contracts, liabilities and obligations of the Receiver (including taxes) will, to the extent not performed or otherwise discharged before the

Consummation of the Plan, become contracts, liabilities and obligations of the New Company, unless otherwise provided in the foreclosure decree or other order of the court.

All equipment obligations of the Old Company, if any, in existence on the date of the Consummation of the Plan, and all equipment obligations of the Receiver on that date will be assumed by the New Company.

Holders of Preferred Claims against the Old Company, if any, as determined by the court, shall be paid the amount thereof in cash upon Consummation of the Plan.

Claims referred to in this Article are deemed not affected by the Plan.*

* On February 14, 1936, Abbott L. Mills filed suit in the United States District Court for the Northern District of Indiana, alleging that he has recovered a judgment for \$12,500.00 and interest against Chicago, South Bend and Northern Indiana Railway Company and its receiver, asserting that the judgment was a lien against the property of Northern Indiana Railway, Inc. and praying enforcement of his alleged lien. On November 18, 1938, said United States District Court entered judgment, dismissing the suit for want of jurisdiction. If an appeal is taken and further if the plaintiff's alleged lien is sustained, it will be paid in cash under the provisions of Article III. Hence said claim is not deemed affected by the Plan.

as the same appears upon the record of said County and in my custody as Clerk.

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the Seal of said Court this 26th day of September, 1940.

FRANK J. BRUGGNER,

(SEAL)

Clerk.

By MARIE SNIADOCKI,

Deputy.

